

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA
and the STATE OF WISCONSIN,

Plaintiffs,

v.

NCR CORPORATION and
SONOCO-U.S. MILLS, INC.
(formerly known as U.S. Paper Mills
Corp.),

Defendants.

CIVIL ACTION NO.

UNITED STATES' NOTICE OF LODGING OF CONSENT DECREE

The United States of America (the "United States"), by and through its undersigned attorneys, hereby lodges the accompanying proposed Consent Decree with this Court.

1. The United States and the State of Wisconsin (collectively the "Plaintiffs") have filed a Complaint in this action alleging that Defendants NCR Corporation and Sonoco-U.S. Mills, Inc. (collectively the "Defendants") are parties liable for response costs and injunctive relief associated with the release and threatened release of hazardous substances from facilities at and near the Lower Fox River and Green Bay Site in northeastern Wisconsin (the "Site"), pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601 et seq. ("CERCLA").

2. Sediments in the Lower Fox River and in Green Bay are contaminated with polychlorinated biphenyls ("PCBs") that were discharged in connection with the production and

reprocessing of PCB-containing carbonless copy paper at multiple facilities in the Fox River Valley.

3. The accompanying proposed Consent Decree between the Plaintiffs and the Defendants would require the Defendants to dredge and dispose of the most highly-contaminated sediments in the River on an expedited basis, at an estimated cost of \$30 million. That environmental cleanup work constitutes phase 1 of the remedial action in the downstream portions of the Site, consistent with the Records of Decision for the Site issued by the U.S. Environmental Protection Agency and the Wisconsin Department of Natural Resources. Design activities for the phase 1 project have already begun. The Decree would require the Defendants to start removing contaminated sediment from the phase 1 project area by no later than May 1, 2007.

4. The Consent Decree would not resolve the Defendants' liability for additional cleanup work that will be required at the Site.

5. Pursuant to U.S. Department of Justice policy, the United States will publish notice of the lodging of the proposed Consent Decree in the Federal Register to commence a thirty (30)-day public comment period. The Court should not sign the proposed Consent Decree until the public has had an opportunity to comment and the Plaintiffs have addressed those comments, if any.

6. The Plaintiffs may withhold their consent to the proposed Consent Decree if the comments disclose facts or considerations which indicate that the proposed Consent Decree is improper, inappropriate, inadequate, or not in the public interest.

7. At the conclusion of the public comment period, the Plaintiffs will: (i) file with


the Court any written comments received pertaining to the proposed Consent Decree; and
(ii) either notify the Court of their withdrawal of the proposed Consent Decree, or respond to
comments received and request this Court to approve and enter the proposed Consent Decree.

Respectfully submitted,

For the United States of America

SUE ELLEN WOOLDRIDGE
Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice

Date: 4/12/2006


RANDALL M. STONE, Senior Lawyer
JEFFREY A. SPECTOR, Trial Attorney
Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
P.O. Box 7611
Washington, DC 20044-7611
(202) 514-1308

STEVEN M. BISKUPIC
United States Attorney

MATTHEW V. RICHMOND
Assistant United States Attorney
Eastern District of Wisconsin
U.S. Courthouse and Federal Building - Room 530
517 E. Wisconsin Avenue
Milwaukee, WI 53202

CERTIFICATE OF SERVICE

Pursuant to Paragraphs 94 and 106 of the Consent Decree lodged with the Court on this date, I hereby certify that copies of the foregoing Notice of Lodging of Consent Decree (together with the accompanying proposed Consent Decree) were served on this date by first-class mail, postage prepaid, upon the following individuals:

General Counsel
NCR Corporation
Law Department
1700 South Patterson Blvd.
Dayton, OH 45479

J. Andrew Schlickman
Sidley Austin LLP
1 South Dearborn Street
Chicago, IL 60603

Thomas R. Gottshall
Haynsworth Sinkler Boyd, P.A.
1201 Main Street, 22nd Floor
Columbia, SC 29201-3226

John M. Van Lieshout
Reinhart Boerner Van Deuren S.C.
1000 North Water Street, P.O. Box 2965
Milwaukee, WI 53201-2965

Wisconsin Department of Justice
Division of Legal Services
Environmental Protection Unit
P.O. Box 7857
Madison, WI 53707-7857

4/12/2006
Date

Randall M. Howe